

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 23-md-03084-CRB

This Document Relates to:

ALL CASES

**AFFIDAVIT OF TIFFANY R. ELLIS IN
SUPPORT OF PLAINTIFFS' LIST OF
DISPUTED ENTRIES FOR SPECIAL
MASTER REVIEW**

Judge: Honorable Barbara S. Jones

1 I, Tiffany R. Ellis, hereby declare as follows:

2 1. I am a partner of Peiffer Wolf Care Kane Conway & Wise, an attorney licensed in
3 the States of Michigan and Illinois and duly admitted to practice before this Court, representing
4 Plaintiffs in the above caption action.

5 2. I submit this declaration in support of Plaintiffs' List of Remaining Challenges to
6 Uber's Privilege logs issued after March 24, 2025 through May 7, 2025 that was submitted for
7 Master Review on May 30, 2025.

8 3. Plaintiffs incorporate the Discovery Letter Brief Regarding Disputed Entries for
9 Master Review filed by All Plaintiffs on March 4, 2025. *See* ECF No. 2434. Plaintiffs
10 incorporate the brief to support the specific reasons each entry on Plaintiffs' List of Remaining
11 Challenges to Uber's Privilege logs issued after March 24, 2025 through May 7, 2025 was
12 challenged. The Brief included the general background of the privilege dispute process to date,
13 the legal standard for Plaintiffs raising challenges to Defendants' privilege log entries, and a
14 general argument for the challenges Plaintiffs raised.

15 **Uber's Privilege logs issued after March 24, 2025 through May 7, 2025**

16 4. Defendants issued nine privilege logs during the period of March 24, 2025
17 through May 7, 2025 totaling approximately 14,751 entries. Specific privilege log data includes:

- 18 a. Defendants logged 3,318 entries on the April 1, 2025 privilege log.
19 Plaintiffs originally challenged or noted issues with 240 of these entries.
20 Plaintiffs sent a challenge letter and list of disputed entries on April 8,
21 2025. Defendants did not respond.
- 22 b. Defendants logged 1,796 entries on the April 7, 2025 privilege log.
23 Plaintiffs originally challenged or noted issues with 127 of these entries.
24 Plaintiffs sent a challenge letter and list of disputed entries on April 14,
25 2025. Defendants did not respond.
- 26 c. Defendants logged 1,622 entries on the April 11, 2025 privilege log.
27 Plaintiffs originally challenged or noted issues with 324 of these entries.
28 Plaintiffs sent a challenge letter and list of disputed entries on April 17,

2025. Defendants did not respond.

d. Defendants logged 316 entries on the April 15, 2025 privilege log.

Plaintiffs originally challenged or noted issues with 80 of these entries.

Plaintiffs sent a challenge letter and list of disputed entries on April 22, 2025. Defendants did not respond.

e. Defendants logged 1,274 entries on the April 18, 2025 privilege log.

Plaintiffs originally challenged or noted issues with 209 of these entries.

Plaintiffs sent a challenge letter and list of disputed entries on April 25, 2025. Defendants did not respond.

f. Defendants logged 2,026 entries on the April 21, 2025 privilege log.

Plaintiffs originally challenged or noted issues with 250 of these entries.

Plaintiffs sent a challenge letter and list of disputed entries on April 28, 2025. Defendants did not respond.

g. Defendants logged 1,593 entries on the April 29, 2025 privilege log.

Plaintiffs originally challenged or noted issues with 149 of these entries.

Plaintiffs sent a challenge letter and list of disputed entries on May 5, 2025. Defendants did not respond.

h. Defendants logged 86 entries on the May 2, 2025 privilege log. Plaintiffs

originally challenged or noted issues with 35 of these entries. Plaintiffs sent a challenge letter and list of disputed entries on May 9, 2025.

i. Defendants logged 2,720 entries on the May 5, 2025 privilege log.

Plaintiffs originally challenged or noted issues with 182 of these entries.

Plaintiffs sent a challenge letter and list of disputed entries on May 12, 2025. Defendants did not respond.

5. Defendants did not respond to Plaintiffs' challenges in accordance with PTO 14 or PTO 16.

6. Defendants recently provided an edited running privilege log on June 5, 2025. The

1 June 5, 2025 privilege log notes Defendants have withdrawn their privilege claim to 74 entries in
2 part and 10 entries in full.

3 7. On May 23, 2025, Plaintiffs provided the Defendants with a combined list of
4 disputed entries from Defendants' privilege logs issued after March 24, 2025 through May 7,
5 2025. The combined updated list contained 1,265 entries that remained in dispute including
6 approximately 80 entries subject to the clawback dispute process.

7 8. The Parties meet and conferred on May 29, 2025 regarding the disputed entries.

8 9. On May 30, 2025, the Plaintiffs provided a list of 1,131 entries remaining in
9 dispute to the Master and Defendants.

10 10. On June 4, 2025, two days before briefing was scheduled to be submitted,
11 Defendants requested a seven-day extension to the deadline. Counsel for Uber, stated the
12 extension was needed because the list "requires attorney analysis, factual investigation, conferral
13 with our client, and drafting of briefs and/or declarations in support of our privilege assertions."
14 Counsel further stated "[a]s the party with the burden of proof, Defendants need the additional
15 time to be able to adequately support our privilege claims, which requires among other things
16 analysis and input from our client." *See* Ex. A, E-mail from Counsel for Defendants. Plaintiffs
17 are of the firm belief Defendants should have performed this "analysis factual investigation,
18 conferral with [their] client" before any document should have been claimed as privileged and
19 placed on a privilege log. *Id.*

20 11. On June 10, 2025, Parties resolved the dispute for nine entries.¹ Additionally, the
21 Parties agree that further conferral is needed regarding entries JCCP_MDL_PRIVLOG079449
22 and JCCP_MDL_PRIVLOG092013 and respectfully request that the Master temporarily set
23 aside review of these two documents.

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25
26
27 ¹ The Parties agreed to resolve the disputes for entries JCCP_MDL_PRIVLOG084615;
28 JCCP_MDL_PRIVLOG085521; JCCP_MDL_PRIVLOG085522; JCCP_MDL_PRIVLOG089113;
JCCP_MDL_PRIVLOG089114; JCCP_MDL_PRIVLOG089115; JCCP_MDL_PRIVLOG091990;
JCCP_MDL_PRIVLOG092021; and JCCP_MDL_PRIVLOG092059.

Executed this 11th day of June 2025 in Detroit, Michigan.

/s/ Tiffany R. Ellis

Tiffany R. Ellis